

SPORT FOR LIFE SOCIETY PROCEDURE

TITLE: APPEAL PROCEDURE	
Date Created: December 1, 2020 Date Approved: June 2025 Review Frequency: Biennial (every 2 years)	Number of Pages: 5

DEFINITIONS

1. The following definitions have these meanings in this Procedure:

1.1. Affected Party – Any individual or entity, as determined by the Case Manager, who may be affected by a decision rendered under this Procedure and who may have recourse to an appeal in their own right

1.2. Appellant – The Party appealing a decision

1.3. Case Manager – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee this Procedure

1.4. CCES - Canadian Centre for Ethics in Sport

1.5. Clients – Users of the Society's services, including National Sport Organizations (NSO), Provincial Sport Organizations (PSO), National Multisport Services Organizations (MSO), and any person or entity retaining the Society's expertise

1.6. CSSP - Canadian Safe Sport Program

1.7. Designated Authority - The following Independent Third-Party (ITP) case administrator has been appointed to receive reports made under this Procedure.

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1.8. Parties – the Appellant, Respondent and any Affected Party

1.9. Participant(s) - an individual who takes part in an event, program, or activity hosted by the Society, whether in person or online.

1.10. Representatives - Any individual elected, acclaimed or appointed by Sport for Life Society (the “Society”), or engaged under an executed written agreement with the Society as an employee, volunteer, or independent contractor to provide services on behalf of Sport for Life.

1.11. Respondent – The body whose decision is being appealed

1.12. Society - The Sport for Life Society

1.13. UCCMS - Universal Code of Conduct to Prevent and Address Maltreatment in Sport

PURPOSE

2. This *Appeal Procedure* provides Representatives and Participants with a fair and expedient appeal process.

SCOPE AND APPLICATION OF THIS PROCEDURE

3. This Procedure applies to all Representatives and Participants.
4. Any Representative or Participant who is directly affected by a decision made by the Society or the Designated Authority shall have the right to appeal that decision, provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Procedure.
5. This Procedure **will not apply** to decisions relating to:
 - 5.1. Discipline pursuant to the UCCMS, as managed by the CCES (appeals of these decisions shall be dealt with pursuant to the CSSP)
 - 5.2. Employment by the Society
 - 5.3. Infractions for doping offences
 - 5.4. Budgeting and budget implementation
 - 5.5. The Society’s operational structure and committee appointments
 - 5.6. Decisions or discipline arising within the business, activities, or events organized by entities other than the Society (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion)
 - 5.7. Commercial matters for which another appeals process exists under a contract or applicable law
 - 5.8. Decisions made under this Appeal Procedure

TIMING OF APPEAL

6. Representatives or Participants who wish to appeal a decision have seven (7) days from the date notice of the decision was delivered to them to submit the following:
 - 6.1. Written notice of the intention to appeal
 - 6.2. Their contact information
 - 6.3. Name and contact information of the Respondent and any Affected Parties, where known to the Appellant
 - 6.4. Date the Appellant was advised of the decision being appealed
 - 6.5. A copy of the decision being appealed, or a description of the decision if a written document is not available
 - 6.6. Grounds for the appeal
 - 6.7. Detailed reasons for the appeal
 - 6.8. All evidence that supports these grounds
 - 6.9. Requested remedy or remedies
 - 6.10. An administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld
7. A Representative or Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Case Manager and may not be appealed.

SUBMITTING AN APPEAL

8. Appeals of decisions made by the Society and/or a Discipline Chair or Discipline Panel can be submitted to the Society and/or the Designated Authority to be heard pursuant to this Procedure.

GROUNDINGS FOR APPEAL

9. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
 - 9.1. Made a decision that they did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
 - 9.2. Failed to follow its own procedures (as set out in the Respondent's governing documents)
 - 9.3. Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)

SCREENING OF APPEAL

10. The Parties may first attempt to resolve the appeal through the Complaints & Dispute Resolution Procedure.
11. The administration fee will be refunded to the Appellant for appeals resolved under the Complaints & Dispute Resolution Procedure.
12. Should the appeal not be resolved by using the Complaints & Dispute Resolution Procedure, the Society will appoint an independent Case Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
 - 12.1. To determine if the appeal falls under the scope of this Procedure
 - 12.2. To determine if the appeal was submitted in a timely manner
 - 12.3. To decide whether there are sufficient grounds for the appeal
13. If the Case Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Procedure, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
14. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint appropriate persons as the Appeal Panel to hear the appeal. In this event, the Case Manager will designate one of the Panel's members to serve as the Chair. The appointment(s) of the Appeal Panel may not be appealed.

DETERMINATION OF AFFECTED PARTIES

15. The Case Manager will engage the Society to confirm the identification of any Affected Parties. The Case Manager may determine whether a party is an Affected Party in their sole discretion.

PROCEDURE FOR APPEAL HEARING

16. The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
17. If a Party chooses not to participate in the appeal hearing, the hearing will proceed in any event.
18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:
 - 18.1. The hearing will be held within a timeline determined by the Case Manager/Panel
 - 18.2. The Parties will be given reasonable notice of the day, time and place of an oral in-person

hearing or oral hearing by telephone or electronic communications

18.3. Copies of any written documents that the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing

18.4. Any Party may be accompanied by a representative, advisor, or legal counsel at their own expense

18.5 The Panel may request that any other individual participate and give evidence at an oral in-person hearing or an oral hearing by telephone or electronic communications.

18.6. The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate

18.7. If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Procedure, that party will become an Affected Party to the appeal in question and will be bound by its outcome

18.8. If the panel is comprised of more than one person, the decision to uphold or reject the appeal will be made by a majority vote of the members.

18.9. In fulfilling its duties, the Panel may obtain independent advice.

APPEAL DECISION

19. The Appellant must demonstrate that the Respondent has made a procedural error as described in the **Grounds for Appeal** section of this Procedure and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

20. The Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the Respondent. The Panel may decide to:

20.1. Reject the appeal and confirm the decision being appealed;

20.2 Uphold the appeal and refer the matter back to the Respondent for a new decision; or

20.3. Uphold the appeal and vary the decision.

21. The Panel will also determine whether the costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.

22. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Society. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless the Panel decides otherwise.

TIMELINES

23. If the circumstances of the appeal are such that adhering to the timelines outlined by this Procedure will not allow a timely resolution to the appeal, the Case Manager and/or Panel may direct that these timelines be revised.

CONFIDENTIALITY

24. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

FINAL AND BINDING

25. No action, claim or legal proceeding shall be commenced against the Society, the Case Manager, the Appeal Panel or Representatives acting in good faith in respect of an appeal.